

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Kohei SHIMODA, et al.	:	Confirmation Number: 4687
	:	
Application No.: 10/575,898	:	Group Art Unit: 1793
	:	
Filed: April 14, 2006	:	Examiner: Mark L. Shevin
	:	
For: GRANULAR METAL POWDER	:	

REQUEST FOR COMPLETE ACKNOWLEDGEMENT OF THE CITED ART

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated November 30, 2009.

In reviewing the file, it is noted that we have not received **complete** acknowledgement of the Information Disclosure Statement and cited art filed on April 14, 2006. Specifically, on the PTO-1449 form, Japanese Office Action corresponding to Japanese Patent Application No. 2003-354459 was not initialed by the Examiner in the Office Action mailed November 15, 2007.

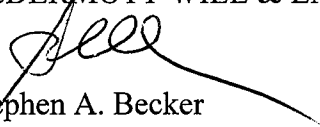
Enclosed are copies of the Information Disclosure Statement, PTO-1449 Form and the Postcard Receipt. Also, enclosed is a copy of the PTO-1449 Form which was not initialed by the Examiner.

Applicant hereby respectfully requests that:

- (1) the **completely** acknowledged PTO-1449 be furnished to Applicant; and
- (2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Stephen A. Becker
Registration No. 26,527

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Phone: 202.756.8000 SAB:ss
Facsimile: 202.756.8087
Date: January 4, 2010

**Please recognize our Customer No. 20277
as our correspondence address.**

Applicant: Kohei SHIMODA, et al. Docket No. 050395-0369 Serial No. Not yet assigned

Title: GRANULAR METAL POWDER Patent No. _____

Date Sent: 4/14/2006 ☒ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ 1st Class Mail ☐ Express Mail No. _____

☒ Transmittal Letter

New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☒ PCT ☐ RCE ☐ Prov

☐ Other: _____

18 pages of Specification

2 pages of Claims

1 pages of Abstract

- pages of Formal/Informal Drawings

☐ Small Entity ☒ Large Entity

☒ Declaration/Power of Attorney

☒ Recordation of Assignment

☒ Information Disclosure Statement

1 Form PTO 1449

5 References attached

☒ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Resp. to Notice to Correct App. Papers

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Response/Amendment to Office Action of _____

☐ Request for _____ month Extension of Time

☐ Letter submitting _____ pages of drawings

☐ Req. for Approval of Drawing Amendments

☐ Req. for Oral Hearing

☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief

☐ Rule 312 Amendment/Letter

☐ Req. for Acknowledgement of Cited Art

☐ Issue Fee

☐ Publication Fee

☒ Front page of International Publication

☒ International Search Report

☒ Japanese Office Action

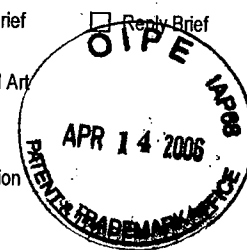
☒ PCT/IB/308

☒ PCT/IPEA/409

☒ 18 pages of Clean Substitute Spec, 19 pages of Marked-up Substitute Spec

☒ Verification

Check for \$ ☒ Charge Deposit Acct. 500417 \$ 940.00 Atty Init. GZR Tkpr. # 4234 Secy. or PL: AMcClure



CMS Descip.: 1-300.00 31-400.00 32-200.00

EARLY SERIAL NUMBER

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

Docket No.: 050395-0369

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
	:	
Kohei SHIMODA, et al.	:	Confirmation Number: Not yet
assigned	:	
	:	
Application No.: Not yet assigned	:	Group Art Unit: Not yet assigned
	:	
Filed: April 14, 2006	:	Examiner: Not yet assigned
	:	
For: GRANULAR METAL POWDER	:	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed with the application and no certification or fee is required.

A copy of the foreign search report is attached for the Examiner's information. Please note this is a PCT application in the entry of the National Phase in the U.S. and copies of the references cited were transmitted by WIPO and are believed to be in the file of the above identified application and readily available to the Examiner. Therefore it is

believed that Applicants have met all requirements regarding duty of disclosure under 37 CFR 1.56. Acknowledgement and consideration of these documents are respectfully requested.

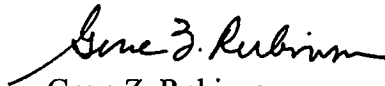
However, to ensure that these references are available to the Examiner, we are providing copies of these references herewith. Since the Search Report was from the JPO search authority, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above identified application and readily available to the Examiner.

References JP 7-232965 A, JP 11-310804 A and JP 2002-256308 A were cited in a corresponding foreign application office action and their relevance is discussed therein. A copy of the office action, together with an English language version thereof, is attached for the Examiner's information.

The relevance of JP 11-80647 A and JP 2001-35255 A, is discussed in the present specification.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



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Facsimile: 202.756.8087
Date: April 14, 2006

**Please recognize our Customer No. 20277
as our correspondence address.**

INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449)				ATTY. DOCKET NO. 050395-0369		SERIAL NO. Not yet assigned	
				APPLICANT Kohei SHIMODA, et al.			
				FILING DATE April 14, 2006		GROUP Not yet assigned	
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code ₂ (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		US	5,590,387	12-31-1996	Schmidt et al.	Corresponds to JP 7-232965 A	
		US	2002/0108469 A1	08-15-2002	BEHRENS	Corresponds to JP 11-310804 A	
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FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes-Number &-Kind Codes (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation Yes No
		JP 7-232965 A		09-05-1995	INST FUER NEUE MATERIALIEN GEMEINNUETZIG GMBH HC STARCK GMBH & CO KG	Corresponds to US 5,590,387	JAPAN (w/English Abstract)
		JP 11-310804 A		11-09-1999	HC STARCK GMBH & CO KG	Corresponds to US 2002/0108469 A1	JAPAN (w/English Abstract)
		JP 2002-256308 A		09-11-2002	MITSUBOSHI BELTING LTD		JAPAN (w/English Abstract)
		JP 11-80647 A		03-26-1999	NIPPON PAINT CO LTD		JAPAN (w/English Abstract)
		JP 2001-35255 A		02-09-2001	VACUUM METALLURGICAL CO LTD ULVAC JAPAN LTD		JAPAN (w/English Abstract)
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
		Office Action issued in corresponding Japanese Application No. 2003-354459					
EXAMINER				DATE CONSIDERED			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

LAP15 Rec'd FCM 14 APR 2006

SHEET 1 OF 1

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

ATTY. DOCKET NO.
050395-0369

SERIAL NO.
Not yet assigned

10/575898

APPLICANT
Kohei SHIMODA, et al.

FILING DATE
April 14, 2006

GROUP
Not yet assigned

(PTO-1449)

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes - Number & Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation	
						Yes	No
/C.C./		JP 7-232965 A	09-05-1995	INST FUER NEUE MATERIALIEN GEMEINNUETZIG GMBH HC STARCK GMBH & CO KG	Corresponds to US 5,590,387	JAPAN (w/English Abstract)	
/C.C./		JP 11-310804 A	11-09-1999	HC STARCK GMBH & CO KG	Corresponds to US 2002/0108469 A1	JAPAN (w/English Abstract)	
/C.C./		JP 2002-256308 A	09-11-2002	MITSUBOSHI BELTING LTD		JAPAN (w/English Abstract)	
/C.C./		JP 11-80647 A	03-26-1999	NIPPON PAINT CO LTD		JAPAN (w/English Abstract)	
/C.C./		JP 2001-35255 A	02-09-2001	VACUUM METALLURGICAL CO LTD ULVAC JAPAN LTD		JAPAN (w/English Abstract)	

OTHER ART (including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER'S INITIALS	CITE NO.	OTHER ART (including Author, Title, Date, Pertinent Pages, Etc.) Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Office Action Issued in corresponding Japanese Application No. 2003-354459
EXAMINER /Christine Chen/		DATE CONSIDERED 11/07/2007

EXAMINER: Initial if reference considered, whether or not citation is to confer priority.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to applicant.
1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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